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June 9, 2003

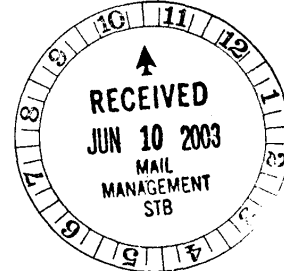
**VIA UPS NEXT DAY AIR**

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" Street, N.W., Room 504  
Washington, DC 20423-0001

ENTERED  
Office of Proceedings

JUN 10 2003

Part of  
Public Record



Attention: Victoria Rutson

**RE: Proposed Abandonment of the Sheffield Industrial Lead M.P. 179.80 near Chapin, Iowa to M.P. 173.90 near Sheffield, Iowa, a distance of 5.9 miles in Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 202X)**

Dear Ms. Rutson:

Pursuant to 49 U.S.C. §10502, Union Pacific Company submits the original and ten (10) copies of a Petition for Exemption, with Verification, to abandon the above-referenced rail line. The Certificate of Service and Publication pursuant to 49 C.F.R. §1152.60(d) and 49 C.F.R. §1105.12 is attached to the petition.

Also enclosed is a draft Federal Register notice pursuant to 49 C.F.R. §1152.60(c). Three computer diskettes containing the draft Federal Register notice, as well as the Petition for Exemption and Certificate of Service and Publication is also enclosed.

Please file the Petition for Exemption in Docket No. AB-33 (Sub-No. 202X). Enclosed is a voucher for \$4,700 for the filing fee.

**FEE RECEIVED**  
JUN 10 2003  
SURFACE  
TRANSPORTATION BOARD

Sincerely yours,

Mack H. Shumate, Jr.  
Senior General Attorney

**FILED**  
JUN 10 2003  
SURFACE  
TRANSPORTATION BOARD

Enclosures

O:\ABANDONMENTS\33-201X\STB.WPD

Mack H. Shumate, Jr.  
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD  
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718  
ph. (312) 777-2055 fx. (312) 777-2065

Surface Transportation Board  
Section of Environmental Analysis  
June 9, 2003  
Page 2

cc (w/ enclosures):

MTMCTEA  
Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

U. S. Department of the Interior  
National Park Service  
Recreation Resources Assistance Div.  
P.O. Box 37127  
Washington, D.C. 20013-7127

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor NW, Auditors Building  
14th Street & Independence Ave., S.W.  
Washington, D.C. 20250

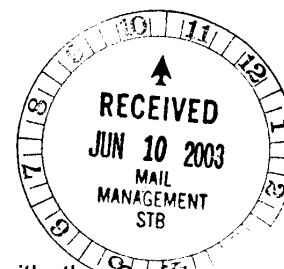
Mr. Steven R. McCann  
Division for Community Progress  
Iowa Department of Economic Development  
200 East Grand Avenue  
Des Moines, IA 50309

Franklin County Board of Supervisors  
County Courthouse  
PO Box 26  
Hampton, IA 50440-0026

Mr. Gaylan Brunssen  
General Manager  
AgVantage FS, Incorporated  
PO Box 409  
New Hampton, IA 50659-0409

DRAFT FEDERAL REGISTER NOTICE  
[49 C.F.R. § 1152.60(c)]

STB No. AB-33 (Sub-No. 202X)  
Notice of Petition for Exemption to Abandon or  
to Discontinue Service



On June 10, 2003, Union Pacific Railroad Company filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the abandonment of a line of railroad known as the Sheffield Industrial Lead from M.P. 179.80 near Chapin, Iowa to M.P. 173.80 near Sheffield, Iowa, a distance of 5.90 miles in Franklin County, Iowa (the "Line"). The Line traverses U. S. Postal Service Zip Codes 50427 and 50475. The proceeding has been docketed as No. AB-33 (Sub-No.202X). There are no agency stations on the Line.

The Line does not contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected as required by 49 U.S.C. 10903(b)(2).

Any offer of financial assistance will be due no later than 10 days after service of a decision granting the petition for exemption.

All interested persons should be aware that following abandonment of rail service and salvage of the Line, the Line may be suitable for other public use, including interim trail use.

Any request for a public use condition and any request for trail use/rail banking will be due no later than 20 days after notice of the filing of the petition for exemption is published in the Federal Register.

Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR Part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis, telephone (202) 565-1545.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary), prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

208016

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

Docket No. AB-33 (Sub-No. 202X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN FRANKLIN COUNTY, IOWA  
(SHEFFIELD INDUSTRIAL LEAD)

---

PETITION FOR EXEMPTION

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive  
Room 1920  
Chicago, IL 60606  
Tel: 312/777-2055  
Fax: 312/777-2065

Dated: June 9, 2003  
Filed: June 10, 2003

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

Docket No. AB-33 (Sub-No. 202X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN FRANKLIN COUNTY, IOWA  
(SHEFFIELD INDUSTRIAL LEAD)

PETITION FOR EXEMPTION

I.

INTRODUCTION

Union Pacific Railroad Company ("UP") hereby petitions the Board, pursuant to 49 U.S.C. §10502, to grant an exemption from 49 U.S.C. §§10903 in order to permit abandonment of operations over the Sheffield Industrial Lead from Milepost 179.80 near Chapin, Iowa, to Milepost 173.90 near Sheffield, Iowa, a distance of 5.90 miles in Franklin County, Iowa. There are no shippers on the Line that will be adversely affected by the proposed abandonment. Currently, AgVantage FS, Incorporated ("AgVantage") is the only customer on the Line. AgVantage is aware of the proposed abandonment, and it will not have an adverse effect on AgVantage. AgVantage has already terminated its rail use on the Line by trucking grain to its recently enlarged facility on UP at Chapin, Iowa. Rail service will continue to be provided by UP at both Chapin and Hampton, Iowa. A copy of this petition has been provided to AgVantage.

UP seeks exemption of this proposed abandonment from regulation under 49 U.S.C. §10903 in accordance with 49 U.S.C. §10502 and the Rules applicable thereto at 49 C.F.R. §1121 and 49 C.F.R. §1152 and the Special Rules at 49 C.F.R. §1152.60.

II.

PETITIONER'S BACKGROUND AND REPRESENTATIVE

UP has rail operations in the States of Arizona, Arkansas, California, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Tennessee, Texas, Utah, Washington, Wisconsin and Wyoming. UP owns and operates the Line proposed for abandonment which is located in the State of Iowa, near the towns of Chapin and Sheffield.

The name, address and telephone number of UP's representative is listed below:

Mack H. Shumate, Jr.  
Senior General Attorney  
101 North Wacker Drive  
Room 1920  
Chicago, IL 60606  
Tel: 312/777-2055  
Fax: 312/777-2065

III.

LINE DESCRIPTIONS, ZIP CODE INFORMATION AND MAP

The proposed action involves the abandonment of the Sheffield Industrial Lead from M.P. 179.80 near Chapin to M.P. 173.90 near Sheffield, a distance of 5.90 miles in Franklin County, Iowa.

The Line was constructed by the Central Railroad of Iowa in 1870. The Line is laid with 100-pound rail. The Line contains reversionary interest property but no

federally granted right of way. Upon abandonment the rail might be retained for subsequent use or sold to a salvage company.

The Line traverses U.S. Postal Service Zip Codes 50427 and 50475.

A map of the Line is attached as **Attachment 1**.

#### IV.

##### SHIPPER INFORMATION

The Line's only source of rail activity in the past two years has been AgVantage FS, Incorporated at New Hampton, Iowa. The abandonment will not have an adverse effect on AgVantage, who is aware of the abandonment. No traffic diversion to other modes will occur because of this action. Currently, AgVantage FS, Incorporated ("AgVantage") is the only customer on the Line. In 2001, AgVantage shipped 171 cars (17,486 tons) of Corn (STCC 0113215) at Sheffield and 539 cars (53,473 tons) of Corn at Chapin. In 2002, AgVantage shipped 281 cars (28,107 tons) of Corn and 25 cars (2,475 tons) of Milo (STCC 0113655) at Sheffield and 297 cars (29,425 tons) of Corn at Chapin. AgVantage is aware of the proposed abandonment, and it will not have an adverse effect on AgVantage. AgVantage has already terminated its rail activity at Sheffield in favor of trucking grain to the recently enlarged UP rail served facility at Chapin. That portion of the Line at Chapin and running south will be reclassified and AgVantage will take control of the track as an industry spur. UP will continue to provide service to AgVantage's Chapin facility. UP will continue to provide rail service at its main line in Chapin, less than one mile from the town of Chapin and five miles from Sheffield. Sheffield and Chapin lie on U.S.

Highway 65, a north-south route, and have access via local and state roads to Interstate 35, a north-south route running approximately ten miles to the west. The abandonment will not have an adverse effect on AgVantage FS, Incorporated, who supports the abandonment.

V.

REASONS FOR THE ABANDONMENT

This is an agricultural area already served by existing and expanded elevator facilities at both Chapin and Hampton, Iowa. UP is not aware of any other industry planning a location along the Line and there is no overhead traffic. There are no reasonable alternatives to abandonment of the Line. Traffic levels on the Line do not justify its continued operation and maintenance. Recent train service was provided on an as need basis.

Therefore, when considering the enlarged AgVantage facility near the Line at Chapin, Iowa, potential harm to affected shippers and communities is non-existent in this matter and arguably enhanced by utilization of the enlarged AgVantage facility. UP is of the opinion that the proposed abandonment would be beneficial to both the UP, area shippers and interstate commerce.

VI.

REASONABLE ALTERNATIVE; VIABILITY

There appears to be no reasonable alternative to this abandonment. The only shipper on the Line, AgVantage, supports the abandonment and there are no known expected shippers on the Line.

VII.

THE EXEMPTION STANDARDS HAVE BEEN MET

A. The abandonment requires an exemption from 49 U.S.C. §10903.

Abandonment of rail lines requires authorization and approval of the Board pursuant to 49 U.S.C. §10903. However, 49 U.S.C. §10502 requires the Board to exempt a transaction when it finds: (1) continued regulation is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101; and (2) either the transaction is of limited scope or Board regulation is not necessary to protect shippers from an abuse of market power. UP's proposal for abandonment and discontinuance of operations clearly satisfies the standards for exemption under 49 U.S.C. §10502.

Detailed scrutiny by the Board under 49 U.S.C. §10903 is not necessary to carry out the Rail Transportation Policy of 49 U.S.C. §10101. An exemption will minimize UP's administrative expense and the cost, preparation and review associated with progressing the proposed abandonment in a full application proceeding. An exemption will expedite regulatory action and will reduce regulatory barriers to exit from the Line consistent with Sections 10101(2) and (7). An exemption will permit UP to enhance its

service to the enlarged AgVantage facility at Chapin, Iowa resulting in cost savings to UP and thereby enhancing UP's ability to compete with other Iowa rail carriers consistent with Sections 10101(4) and (5). An exemption will foster sound economic conditions in the transportation industry consistent with Section 10101(5), by permitting UP's abandonment of the Line and avoiding the need to retain and operate a rail line that will not be used by any shipper.

The proposed abandonment is clearly a transaction of "limited scope." The Line is only 5.90 miles long and will have no recurring local traffic. In addition, regulation of this abandonment is not needed to protect shippers from an abuse of market power, since the only local shipper does not oppose abandonment of the Line, and in fact fully supports abandonment as part of the overall project.

#### VIII.

##### LAND AREA, FEDERAL GRANT INFORMATION, AND PUBLIC USE

The right-of-way is generally 100 feet in width and is adjacent to fair to good agricultural land. The proposed abandonment starts near Chapin, Iowa, on the south and ends near Sheffield, Iowa, on the north. The topography varies from flat to gently sloping and is adjacent to fair to good agricultural land. This segment of the Line may be suitable for trail use. The Franklin County Commissioner's Office has been contacted but no response has been received. Otherwise, sale of the non-reversionary property will be to the adjoining landowners.

Based on information in UP's possession, the Line does not contain federally granted rights of way. UP is unaware of any adverse effect on local and existing land use plans. Any documentation in Petitioner's possession will be made available promptly to those requesting it.

IX.

LABOR

UP is agreeable to the labor protection conditions imposed in abandonment proceedings as prescribed in Oregon Short Line R. Co. - Abandonment - Goshen, 360 ICC 91 (1979).

X.

ENVIRONMENTAL AND HISTORIC REPORT.

The required environmental and historic information is contained in the Combined Environmental and Historic Report which was served on March 5, 2003. A copy of the Report is attached hereto as **Attachment 2**. The original and ten (10) copies were sent to Ms. Victoria Rutson, Section of Environmental Analysis, on March 4, 2003 for filing.

Subsequent to the filing of the combined Environmental and Historic Report two additional comment letters were received. One letter was received from the Fish and Wildlife Service of the United States Department of the Interior. This letter indicates that the Fish and Wildlife Service has no concerns regarding real estate matters related to the abandonment. A copy of the letter dated May 8, 2003, is attached hereto as **Attachment 3** and hereby made a part hereof. The second letter was received from the Iowa Trails Council seeking issuance of a Certificate or Notice of Interim Trail Use and placement of

a Public Use Condition in the proposed abandonment. A copy of the letter dated March 28, 2003, is attached hereto as **Attachment 4** and hereby made a part hereof.

WHEREFORE, Union Pacific Railroad Company respectfully requests that the Board issue a decision exempting the proposed abandonment from the provisions of 49 U.S.C. §10903 and direct that the exemption be effective on the date of the Board's decision.

Dated this 9<sup>th</sup> day of June, 2003.

Respectfully submitted,



UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr.

Senior General Attorney

101 North Wacker Drive

Room 1920

Chicago, IL 60606

Tel: 312/777-2055

Fax: 312/777-2065

O:\ABANDONMENTS\33-202X\PET.WPD

**VERIFICATION**

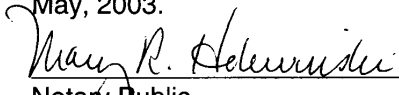
STATE OF NEBRASKA    )  
                                  ) ss:  
COUNTY OF DOUGLAS    )

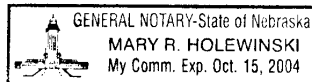
I, RAYMOND E. ALLAMONG, JR., Manager Rail Line Planning of Union Pacific Railroad Company, declare under penalty of perjury, under the laws of the United States of America, that I have read the foregoing document and that its assertions are true and correct to the best of my knowledge, information and belief. I further declare that I am qualified and authorized to submit this verification on behalf of Union Pacific Railroad Company. I know that willful misstatements or omissions of material facts constitute Federal criminal violations punishable under 18 U.S.C. 1001 by imprisonment up to five years and fines up to \$10,000 for each offense. Additionally, I know that these misstatements are punishable as perjury under 18 U.S.C. 1621, which provides for fines up to \$2,000 or imprisonment up to five years for each offense.

Dated at Omaha, Nebraska, this eighth day of May, 2003.

  
Raymond E. Allamong, Jr.

SUBSCRIBED AND SWORN TO  
before me this eighth day of  
May, 2003.

  
\_\_\_\_\_  
Notary Public



My Commission expires: October 15, 2004

CERTIFICATE OF SERVICE AND PUBLICATION

The undersigned hereby certifies that a copy of the foregoing Petition for Exemption in Docket No. AB-33 (Sub-No. 202X) by Union Pacific Railroad Company was served on the date indicated below by mailing a copy, first class mail postage prepaid to the following:

MTMCTEA  
Attn: Railroads for National Defense  
720 Thimble Shoals Blvd., Suite 130  
Newport News, VA 23606-2574

U. S. Department of the Interior  
National Park Service  
Recreation Resources Assistance Div.  
P.O. Box 37127  
Washington, D.C. 20013-7127

U.S. Department of Agriculture  
Chief of the Forest Service  
4th Floor NW, Auditors Building  
14th Street & Independence Ave., S.W.  
Washington, D.C. 20250

Mr. Steven R. McCann  
Division for Community Progress  
Iowa Department of Economic Development  
200 East Grand Avenue  
Des Moines, IA 50309

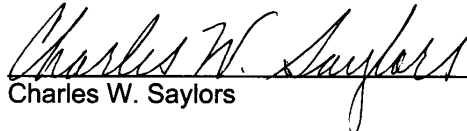
Franklin County Board of Supervisors  
County Courthouse  
P. O. Box 26  
Hampton, IA 50440-0026

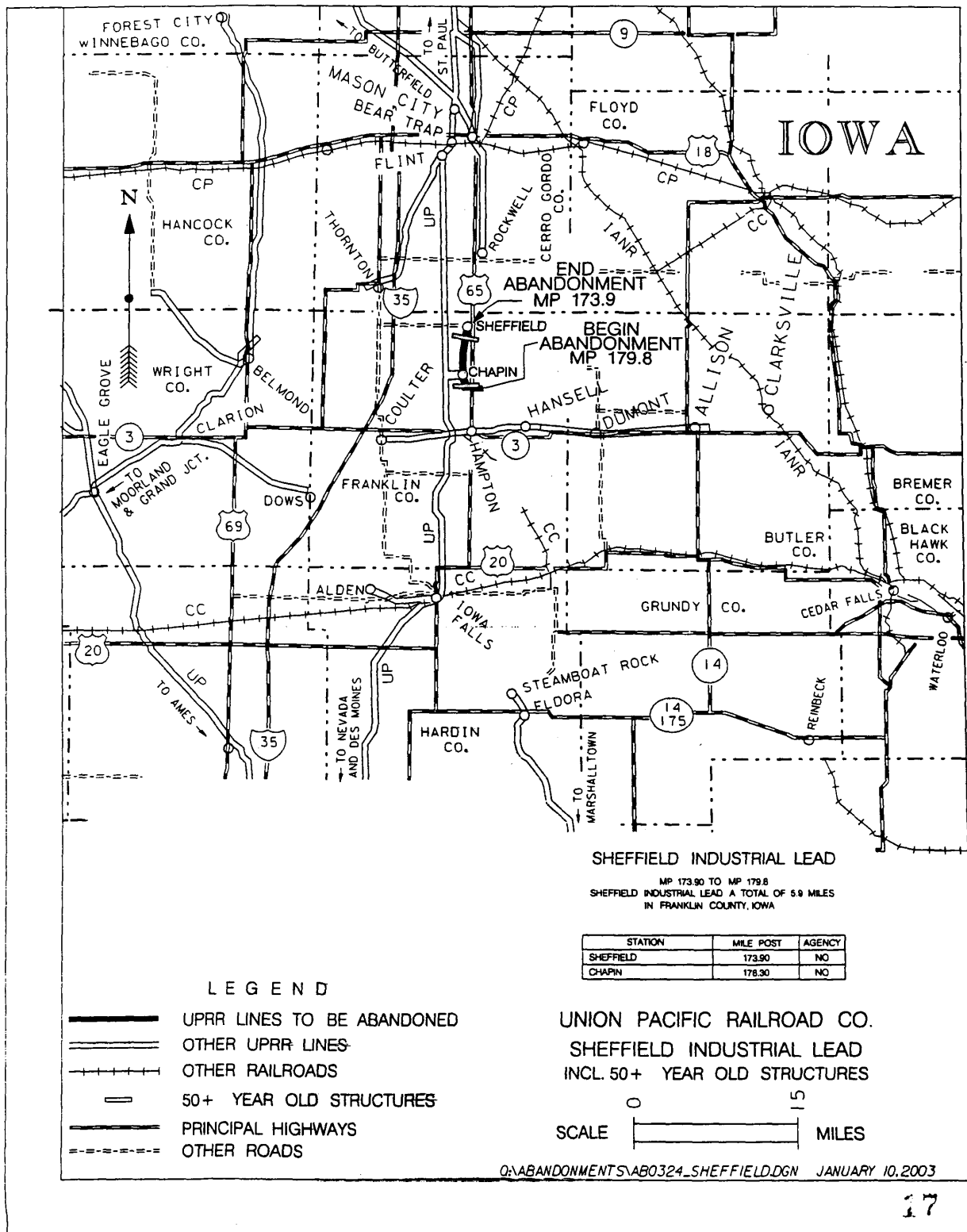
The undersigned further certifies that a notice of the abandonment was published one time in the County where the rail line is located as follows:

<u>County</u>	<u>Newspaper</u>	<u>Date</u>
Franklin	<i>The Sheffield Press</i>	March 27, 2003

The above newspaper is generally circulated in the county where the rail line is located. The Notice as published was in the form prescribed by the Board for a Petition for Exemption at 49 CFR 1105.12.

Dated this 4th day of June, 2003.

  
Charles W. Saylor



ATTACHMENT 2

**FILE COPY**

**UNION PACIFIC RAILROAD COMPANY**

LAW DEPARTMENT  
101 NORTH WACKER DRIVE, SUITE 1920  
CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040



GEORGE H. BRANT  
312-777-2051  
MACK H. SHUMATE, JR.  
312-777-2055  
DANIEL R. LA FAVE  
312-777-2046  
LINDA J. COYLE  
312-777-2056  
THOMAS W. CUSHING  
312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

March 4, 2003

**VIA U.P.S. OVERNIGHT**

Surface Transportation Board  
Section of Environmental Analysis  
1925 "K" St., N.W., Room 504  
Washington, DC 20423-0001

**Attention:** Victoria Rutson

**RE: Proposed Abandonment of the Sheffield Industrial Lead from  
M.P. 179.80 near Chapin to M.P. 173.90 near Sheffield, a  
distance of 5.9 miles in Franklin County, Iowa; STB Docket  
No. AB-33 (Sub-No. 202X)**

Dear Ms. Rutson:

Enclosed for filing in the above-referenced docket is the original and ten (10) copies of a Combined Environmental and Historic Report prepared pursuant to 49 C.F.R. §1105.7 and §1105.8, with a Certificate of Service, and a transmittal letter pursuant to 49 C.F.R. §1105.11.

Union Pacific anticipates filing a Petition for Exemption in this matter on or after March 25, 2003.

Sincerely,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.".

Mack H. Shumate, Jr.  
Senior General Attorney

Enclosures

O:\ABANDONMENTS\33-202X\STB-EHR.wpd

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State Clearinghouse (or alternate):

Mr. Steven R. McCann  
Division for Community Progress  
Iowa Department of Economic  
Development  
200 East Grand Avenue  
Des Moines, IA 50309

State Environmental Protection

Agency:

Department of Natural Resources  
Wallace State Conservation Service  
693 Federal Building  
210 Walnut Street  
Des Moines, IA 50309

State Coastal Zone Management Agency  
(if applicable):

Not applicable.

Head of each County:

Franklin County Board of Supervisors  
County Courthouse  
P. O. Box 26  
Hampton, IA 50440-0026

Environmental Protection Agency  
(regional office):

U.S. Environmental Protection Agency  
Region VII  
901 North 5th Street  
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service  
Region 3  
One Federal Drive  
Federal Building  
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District  
Rock Island  
P. O. Box 2004  
Rock Island, IL 61204-2004

National Park Service:

William D. Shaddox  
Chief, Land Resources Division  
National Park Service  
Department of the Interior  
1849 "C" St., N.W., #MS2540  
Washington, D.C. 20240

U.S. Natural Resources Conservation  
Service:

USDA Natural Resource Conservation  
Service  
693 Federal Bldg.  
210 Walnut Street  
Des Moines, IA 50309

National Geodetic Survey:

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

Shipper:

Mr. Gaylan Brunssen  
General Manager  
AgVantage FS, Incorporated  
P. O. Box 409  
New Hampton, IA 50659-0409

# UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT  
101 NORTH WACKER DRIVE, SUITE 1920  
CHICAGO, ILLINOIS 60606  
FAX NO. 312-777-2065

RONALD J. CUCHNA  
GENERAL SOLICITOR  
312-777-2040



March 4, 2003

GEORGE H. BRANT  
312-777-2051  
MACK H. SHUMATE, JR.  
312-777-2055  
DANIEL R. LA FAVE  
312-777-2046  
LINDA J. COYLE  
312-777-2056  
THOMAS W. CUSHING  
312-777-2053  
FREDERICK P. JOHNSTON, JR.  
312-777-2047

State Clearinghouse (or alternate):

Mr. Steven R. McCann  
Division for Community Progress  
Iowa Department of Economic  
Development  
200 East Grand Avenue  
Des Moines, IA 50309

State Environmental Protection

Agency:

Department of Natural Resources  
Wallace State Conservation Service  
693 Federal Building  
210 Walnut Street  
Des Moines, IA 50309

State Coastal Zone Management Agency  
(if applicable):

Not applicable.

Head of each County:

Franklin County Board of Supervisors  
County Courthouse  
P. O. Box 26  
Hampton, IA 50440-0026

Environmental Protection Agency  
(regional office):

U.S. Environmental Protection Agency  
Region VII  
901 North 5th Street  
Kansas City, KS 66101

U.S. Fish and Wildlife:

U.S. Fish & Wildlife Service  
Region 3  
One Federal Drive  
Federal Building  
Fort Snelling, MN 55111

U.S. Army Corps of Engineers:

U.S. Army Engineer District  
Rock Island  
P. O. Box 2004  
Rock Island, IL 61204-2004

National Park Service:

William D. Shaddox  
Chief, Land Resources Division  
National Park Service  
Department of the Interior  
1849 "C" St., N.W., #MS2540  
Washington, D.C. 20240

U.S. Natural Resources Conservation  
Service:

USDA Natural Resource Conservation  
Service  
693 Federal Bldg.  
210 Walnut Street  
Des Moines, IA 50309

National Geodetic Survey:

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

Shipper:

Mr. Gaylan Brunssen  
General Manager  
AgVantage FS, Incorporated  
P. O. Box 409  
New Hampton, IA 50659-0409

Re: Docket No. AB-33 (Sub-No. 202X), Union Pacific Railroad  
Company - Abandonment of the Sheffield Industrial Lead  
-- In Franklin County, IA

Dear Sirs:

On or after March 25, 2003, we expect to be filing with  
the Surface Transportation Board (STB or Board) a Petition for  
Exemption seeking authority to abandon the Sheffield Industrial

10

3

Lead from M. P. 179.80 near Chapin to M. P. 173.90 near Sheffield, a distance of 5.9 miles in Franklin County, Iowa (the "Line"). The Line traverses U. S. Postal Service Zip Codes 50427 and 50475. Attached is a Combined Environmental and Historic Report which describes the proposed action and any expected environmental and historic effects, as well as a map of the affected area.

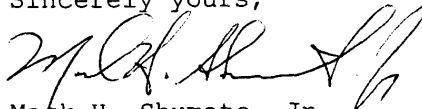
We are providing this report so that you may review the information the STB will use for it's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the Board's environmental review process, please contact the Section of Environmental Analysis (SEA) at the following address, and refer to the above-referenced Docket Numbers:

Surface Transportation Board  
Section of Environmental Analysis (SEA)  
1925 K Street, N.W., Room 504  
Washington, D.C. 20423-0001  
Telephone (202) 565-1545

The applicable statutes and regulations impose stringent deadlines for processing this action, so your written comments to SEA (with a copy to our representative) would be appreciated within three weeks.

The Board will consider your comments in evaluating the environmental and/or historic preservation impacts of the contemplated action. Please direct any questions concerning this proposal to our representative at the addresses and telephone numbers indicated on this letterhead.

Sincerely yours,



Mack H. Shumate, Jr.  
Senior General Attorney

---

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

Docket No. AB-33 (Sub-No. 202X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN FRANKLIN COUNTY, IA  
(SHEFFIELD INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

UNION PACIFIC RAILROAD COMPANY

Mack H. Shumate, Jr., Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, Illinois 60606  
(312) 777-2055  
(312) 777-2065 FAX

Dated: March 4, 2003  
Filed: March 5, 2003

21

BEFORE THE  
SURFACE TRANSPORTATION BOARD

---

Docket No. AB-33 (Sub-No. 202X)

UNION PACIFIC RAILROAD COMPANY  
-- ABANDONMENT EXEMPTION --  
IN FRANKLIN COUNTY, IA  
(SHEFFIELD INDUSTRIAL LEAD)

---

Combined Environmental and Historic Report

Union Pacific Railroad Company ("UP") submits this Combined Environmental and Historic Report pursuant to 49 C.F.R. § 1105.7(e) and 49 C.F.R. § 1105.8(d), respectively, for an abandonment of the Sheffield Industrial Lead from M. P. 179.80 near Chapin to M. P. 173.90 near Sheffield, a distance of 5.9 miles in Franklin County, Iowa (the "Line").

The Line traverses U. S. Postal Service Zip Codes 50427 and 50475.

UP anticipates that a Petition For Exemption to discontinue service on the Line will be filed at the STB on or after March 25, 2003.

A map of the Line is attached as **Attachment No. 1**. UP's letter to federal, state and local government agencies is marked **Attachment No. 2**. Responses received to the letter to date are attached and sequentially numbered as indicated below.

ENVIRONMENTAL REPORT  
49 C.F.R. § 1105.7(e)

(1) **Proposed action and alternatives.** Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or

maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

**Response:** UP proposes to abandon the Sheffield Industrial Lead from M. P. 179.80 near Chapin to M. P. 173.90 near Sheffield, a distance of 5.9 miles in Franklin County, Iowa. Currently, AgVantage FS, Incorporated ( "AgVantage") is the only customer on the Line. In 2001, AgVantage shipped 171 cars (17,486 tons) of Corn (STCC 0113215) at Sheffield and 539 cars (53,473 tons) of Corn at Chapin. In 2002, AgVantage shipped 281 cars (28,107 tons) of Corn and 25 cars (2,475 tons) of Milo (STCC 0113655) at Sheffield and 297 cars (29,425 tons) of Corn at Chapin. AgVantage is aware of the proposed abandonment, and it will not have an adverse effect on AgVantage. AgVantage has already terminated its rail activity at Sheffield in favor of trucking grain to the recently enlarged UP rail served facility at Chapin. That portion of the Line at Chapin and running south will be reclassified and AgVantage will take control of the track as an industry spur. UP will continue to provide service to AgVantage's Chapin facility. UP will continue to provide rail service at its main line in Chapin, less than one mile from the town of Chapin and five miles from Sheffield. Sheffield and Chapin lie on U.S. Highway 65, a north-south route, and have access via local and state roads to Interstate 35, a north-south route running approximately ten miles to the west.

UP is not aware of any other industry planning a location along the Line and there is no overhead traffic. There are no reasonable alternatives to abandonment of the Line. Traffic levels on the Line do not justify its continued operation and maintenance. Recent train service was provided on an as needed basis.

The Line was constructed by the Central Railroad of Iowa in 1870. The Line is laid with 100-pound rail. The Line contains reversionary interest property but no federally granted right of way. Upon abandonment the rail might be retained for subsequent use or sold to a salvage company.

A map of the Line is attached as **Attachment No. 1.**

(2) **Transportation system.** Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

**Response:** The Line's only source of rail activity in the past two years has been AgVantage FS, Incorporated at New Hampton, Iowa. The abandonment will not have an adverse effect on AgVantage, who is aware of the abandonment. No traffic diversion to other modes will occur because of this action.

(3) **Land use.** (i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

(iii) If the action effects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9.

(iv) If the proposed action is an abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10905 and explain why.

**Response:** (i) Applicant is unaware of any adverse effects on local and existing land use plans. The Franklin County Commissioners Office has been contacted. To date UP has received no response.

(ii) The United States Natural Resources Conservation Service has been contacted. To date UP has received no response.

(iii) The Line is not in a state coastal zone.

(iv) UP believes the property proposed for abandonment is not suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission, because the area, with its limited population base, is adequately service by existing roads and utility lines. The property would be well suited for trail purposes.

(4) **Energy.** (i) Describe the effect of the proposed action on transportation of energy resources.

(ii) Describe the effect of the proposed action on recyclable commodities.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) an average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given.

**Response:** (i) There will be no effect on the transportation of energy resources.

(ii) There will be no effect on recyclable commodities.

(iii) There is little if any change in rail activity resulting from the proposed action, so there should be no discernible effect on energy efficiency.

(iv)(A)(B) There will be no rail-to-motor diversion of these magnitudes.

(5) **Air.** (i) If the proposed action will result in either:  
(A) an increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or

(B) an increase in rail yard activity of at least 100% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions. For a proposal under 49 U.S.C. § 10901 (or § 10505) to construct a new line or reinstitute service over a previously abandoned line, only the eight train a day provision in §§ (5)(i)(A) will apply.

**Response:** There is no such effect anticipated.

(5) **Air.** (ii) If the proposed action affects a class 1 or nonattainment area under the Clean Air Act, and will result in either:

(A) an increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line, or

(B) an increase in rail yard activity of at least 20% (measured by carload activity), or

(C) an average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505), or a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

**Response:** There will be no increase in rail traffic, rail yard activity, or truck traffic of such magnitude resulting from the proposed action.

(5) **Air.** (iii) If transportation of ozone depleting materials (such as nitrogen oxide and freon) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's

safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

**Response:** The proposed abandonment will not affect the transportation of ozone depleting materials.

(6) **Noise.** If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause:

(i) an incremental increase in noise levels of three decibels Ldn or more or

(ii) an increase to a noise level of 65 decibels Ldn or greater. If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area and quantify the noise increase for these receptors if the thresholds are surpassed.

**Response:** Not applicable.

(7) **Safety.** (i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills; and the likelihood of an accidental release of hazardous materials.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

**Response:** (i) The proposed action will have no detrimental effects on public health and safety.

(ii) The proposed action will not affect the transportation of hazardous materials.

(iii) UP is unaware of any hazardous material waste sites or sites where known hazardous material spills have occurred on or along the subject right-of-way.

(8) **Biological resources.** (i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

**Response:** (i) The U. S. Fish and Wildlife Service has been contacted. To date UP has received no response.

(ii) UP is not aware of any wildlife sanctuaries or refuges, or of any National or State parks or forests, that will be affected by the proposed abandonment.

(9) **Water.** (i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action. (Applicant should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.)

**Response:** (i) The Iowa Department of Natural has been contacted. To date UP has received no response.

(ii) The U.S. Army Corps of Engineers has been contacted and determined that the proposed abandonment does not require a Department of the Army

Section 404 permit. The Corps of Engineers response is marked **Attachment No. 3** and is attached hereto and hereby made a part hereof.

(iii) It is not anticipated there will be any requirements for Section 402 permits.

(10) **Proposed Mitigation.** Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

**Response:** There are no known adverse environmental impacts.

HISTORIC REPORT  
49 C.F.R. § 1105.8(d)

(1) A U.S.G.S. topographic map (or an alternate map drawn to scale and sufficiently detailed to show buildings and other structures in the vicinity of the proposed action) showing the location of the proposed action, and the locations and approximate dimensions of railroad structures that are 50 years old or older and are part of the proposed action:

**Response:** See **Attachment No. 1.**

(2) A written description of the right-of-way (including approximate widths to the extent known), and the topography and urban and/or rural characteristics of the surrounding area:

**Response:** The Line is generally 100 feet in width and is adjacent to fair to good agricultural land. The topography varies from flat to gently sloping.

(3) Good quality photographs (actual photographic prints, not photocopies) of railroad structures on the property that are 50 years old or older and of the immediately surrounding area:

**Response:** There are no structures on the property that are 50 years old or older.

(4) The date(s) of construction of the structure(s), and the date(s) and extent of any major alterations to the extent such information is known:

**Response:** Not Applicable

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

**Response:** See the preceding pages for a brief history and description of carrier operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is found to be historic:

**Response:** Not Applicable

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities):

**Response:** At this time, UP knows of no historic sites or structures or archeological resources on the Line or in the project area.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain:

**Response:** UP does not have any such readily available information.


(9) Within 30 days of receipt of the historic report, the State Historic Preservation Officer may request the following additional information regarding specified nonrailroad owned properties or group of properties immediately adjacent to the railroad right-of-way. Photographs of specified properties that can be readily seen from the railroad right-of-way (or other public rights-of-way adjacent to the property) and a written description of any previously discovered archeological sites, identifying the locations and type of the site (i.e., prehistoric or native American):

**Response:** Not applicable.

Dated this 4th day of March, 2003.

Respectfully submitted,

UNION PACIFIC RAILROAD COMPANY

A handwritten signature in black ink, appearing to read "Mack H. Shumate", with a stylized flourish at the end.

Mack H. Shumate, Senior General Attorney  
101 North Wacker Drive, Room 1920  
Chicago, IL 60606  
(312) 777-2055  
(312) 777-2065 FAX

CERTIFICATE OF SERVICE  
OF THE  
COMBINED ENVIRONMENTAL AND HISTORIC REPORT

The undersigned hereby certifies that a copy of the foregoing Combined Environmental and Historic Report in Docket No. AB-33 (Sub-No. 202X) for the Sheffield Industrial Lead in Franklin County, Iowa was served by first class mail on the 4th day of March, 2003 on the following:

**State Clearinghouse (or alternate):**

Mr. Steven R. McCann  
Division for Community Progress  
Iowa Department of Economic Development  
200 East Grand Avenue  
Des Moines, IA 50309

**State Environmental Protection Agency:**

Department of Natural Resources  
Wallace State Conservation Service  
693 Federal Building  
210 Walnut Street  
Des Moines, IA 50309

**State Coastal Zone Management Agency**

**(if applicable):**

Not applicable.

**Head of each County:**

Franklin County Board of Supervisors  
County Courthouse  
P. O. Box 26  
Hampton, IA 50440-0026

**Environmental Protection Agency**

**(regional office):**

U.S. Environmental Protection Agency  
Region VII  
901 North 5th Street  
Kansas City, KS 66101

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 3  
One Federal Drive  
Federal Building  
Fort Snelling, MN 55111

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District  
Rock Island  
P. O. Box 2004  
Rock Island, IL 61204-2004

**National Park Service:**

William D. Shaddox  
Chief, Land Resources Division  
National Park Service  
Department of the Interior  
1849 "C" St., N.W., #MS2540  
Washington, D.C. 20240

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
693 Federal Bldg.  
210 Walnut Street  
Des Moines, IA 50309

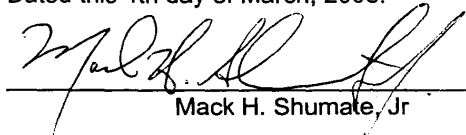
**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**Shipper:**

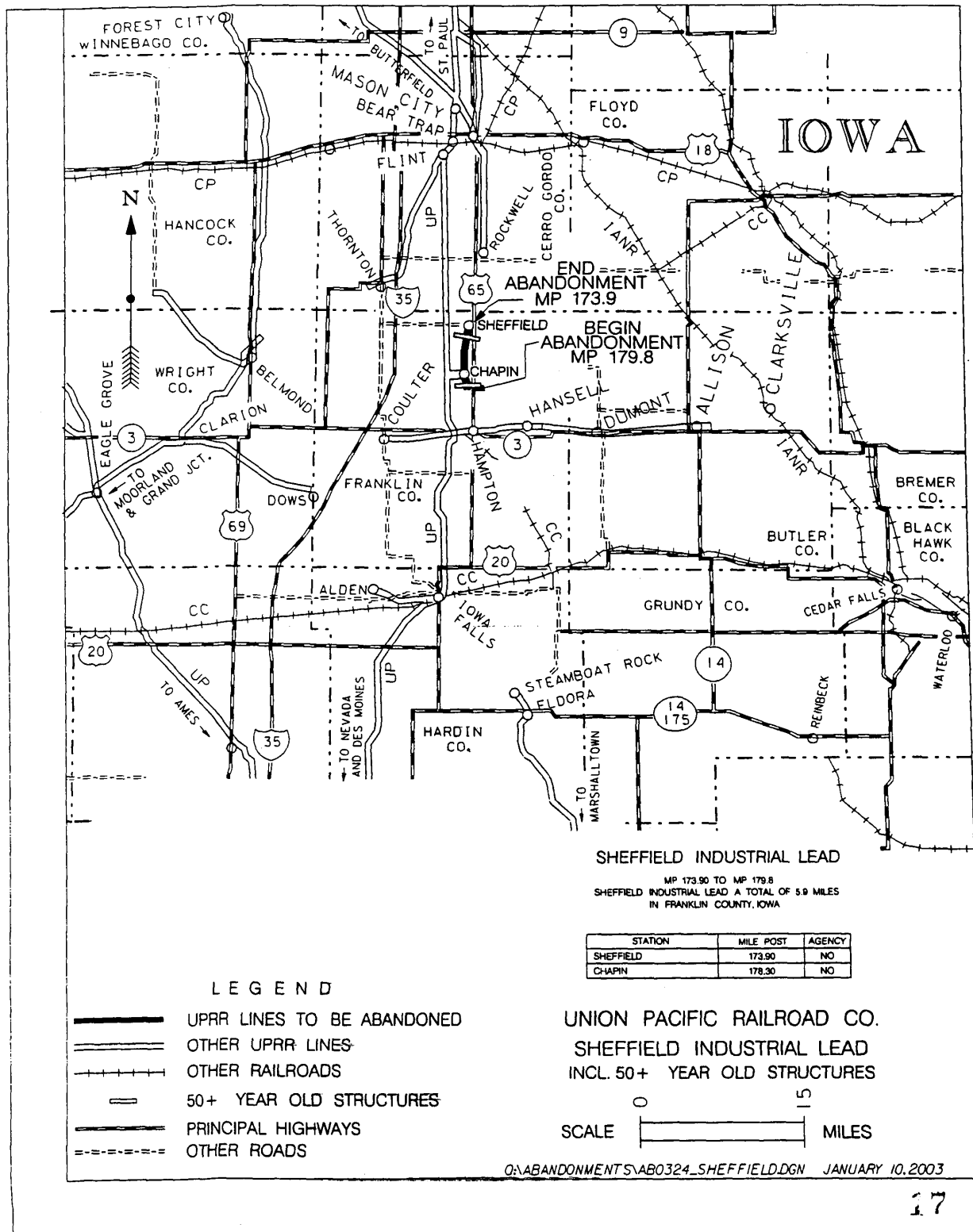
Mr. Gaylan Brunssen  
General Manager  
AgVantage FS, Incorporated  
P. O. Box 409  
New Hampton, IA 50659-0409

Dated this 4th day of March, 2003.

  
Mack H. Shumate, Jr.

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CHARLES W. SAYLORS  
DIRECTOR-LEGAL SUPPORT SERVICES

## UNION PACIFIC RAILROAD COMPANY



1416 DODGE STREET  
OMAHA, NEBRASKA 68179  
(402) 271-4861  
(402) 271-5625 (FAX)

January 13, 2003

**State Clearinghouse (or alternate):**

Mr. Steven R. McCann  
Division for Community Progress  
Iowa Department of Economic Development  
200 East Grand Avenue  
Des Moines, IA 50309

**State Environmental Protection Agency:**

Department of Natural Resources  
Wallace State Conservation Service  
693 Federal Building  
210 Walnut Street  
Des Moines, IA 50309

**State Coastal Zone Management Agency****(if applicable):**

Not applicable.

**Head of each County:**

Franklin County Board of Supervisors  
County Courthouse  
P. O. Box 26  
Hampton, IA 50440-0026

**Environmental Protection Agency****(regional office):**

U.S. Environmental Protection Agency  
Region VII  
901 North 5th Street  
Kansas City, KS 66101

**U.S. Fish and Wildlife:**

U.S. Fish & Wildlife Service, Region 3  
One Federal Drive  
Federal Building  
Fort Snelling, MN 55111

**U.S. Army Corps of Engineers:**

U.S. Army Engineer District  
Rock Island  
P. O. Box 2004  
Rock Island, IL 61204-2004

**National Park Service:**

William D. Shaddox  
Chief, Land Resources Division  
National Park Service  
800 North Capitol Street, NE., Room 500  
Washington, D.C. 20002

**U.S. Natural Resources Conservation Service:**

Natural Resource Conservation Service  
693 Federal Bldg.  
210 Walnut Street  
Des Moines, IA 50309

**National Geodetic Survey:**

National Geodetic Survey  
Edward J. McKay, Chief  
Spatial Reference System Division  
NOAA N/NGS2  
1315 E-W Highway  
Silver Spring, MD 20910-3282

**Shipper:**

Mr. Gaylan Brunssen  
General Manager  
AgVantage FS, Incorporated  
P. O. Box 409  
New Hampton, IA 50659-0409

Re: Proposed Abandonment of the Sheffield Industrial Lead from M. P. 179.80 near Chapin to M. P. 173.90 near Sheffield, a distance of 5.65 miles in Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 202X)

Dear Sirs:

Union Pacific Railroad Company plans to request authority from the Surface Transportation Board (STB) to abandon the Sheffield Industrial Lead from M. P. 179.80 near Chapin to M. P. 173.90 near Sheffield, a distance of 5.65 miles in Franklin County, Iowa. A map of the proposed track abandonment shown in black is attached.

Pursuant to the STB's regulations at 49 C.F.R. Part 1152, and the environmental regulations at 40 C.F. R. Part 1105.7, this is to request your assistance in identifying any potential effects of this action as indicated in the paragraphs below. We do not anticipate any adverse environmental impacts; however, if you identify any adverse environmental impacts, describe any actions that are proposed in order to mitigate the environmental impacts. Please provide us with a written response that can be included in an Environmental Report, which will be sent to the STB.

LOCAL AND/OR REGIONAL PLANNING AGENCIES. State whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

U. S. SOIL CONSERVATION SERVICE. State the effect of the proposed action on any prime agricultural land.

U. S. FISH AND WILDLIFE SERVICE (And State Game And Parks Commission, If Addressed). State (1) whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects, and, (2) whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

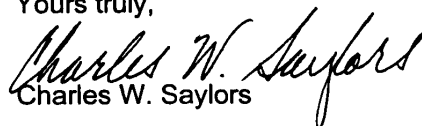
STATE WATER QUALITY OFFICIALS. State whether the proposed action is consistent with applicable Federal, State or Local water quality standards. Describe any inconsistencies.

U. S. ARMY CORPS OF ENGINEERS. State (1) whether permits under Section 404 of the Clean Water Act (33 U.S. C. § 1344) are required for the proposed action and (2) whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

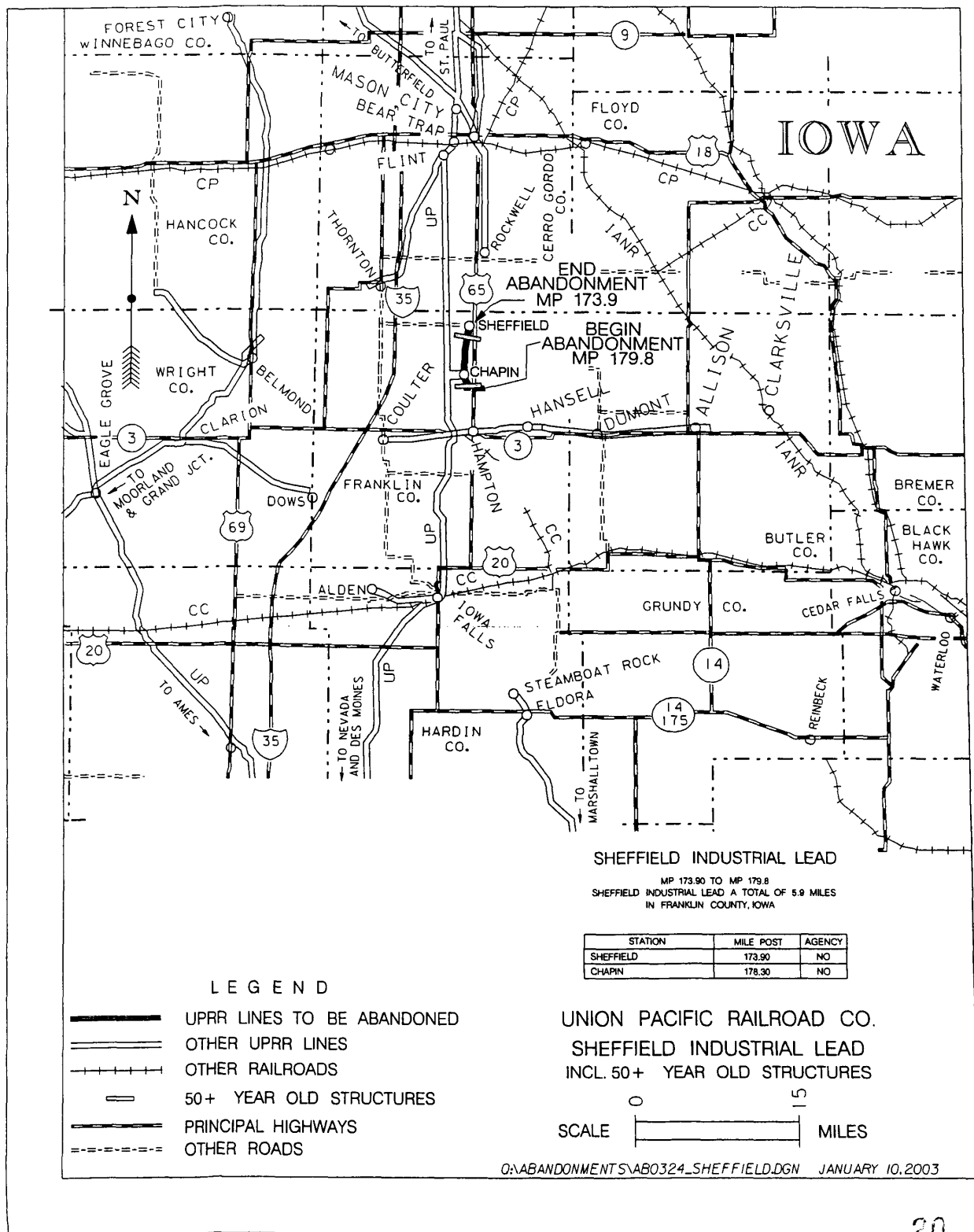
U. S. ENVIRONMENTAL PROTECTION AGENCY AND STATE ENVIRONMENTAL PROTECTION (OR EQUIVALENT AGENCY). (1) Identify any potential effects on the surrounding area, (2) identify the location of hazardous waste sites and known hazardous material spills on the right-of-way and list the types of hazardous materials involved, and (3) state whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1342) are required for the proposed action.

Thank you for your assistance. Please send your reply to Union Pacific Railroad, Mr. Chuck Saylor, 1416 Dodge Street, Room 830, Omaha, NE, 68179. If you need further information, please contact me at (402) 271-4861.

Yours truly,

  
Charles W. Saylor

Attachment





REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
ROCK ISLAND DISTRICT, CORPS OF ENGINEERS  
CLOCK TOWER BUILDING - P.O. BOX 2004  
ROCK ISLAND, ILLINOIS 61204-2004

<http://www.mvr.usace.army.mil>

January 15, 2003

Operations Division

SUBJECT: CEMVR-OD-P-439290

Mr. Charles W. Saylor  
Union Pacific Railroad Company  
1416 Dodge Street  
Omaha, Nebraska 68179

Dear Mr. Saylor:

Our office reviewed your letter dated January 13, 2003, concerning the proposed abandonment of the Sheffield Industrial Lead from Mile Post 179.80 to Mile Post 173.90 Franklin County, Iowa.

We determined your project as proposed does not require a Department of the Army (DA) Section 404 permit. The decision regarding this action is based on information found in the administrative record which documents the District's decision-making process, the basis for the decision, and the final decision. No indication of discharge of dredged or fill material was found to occur in waters of the United States (including wetlands). Therefore, this determination resulted.

Should your project involve the extraction of any bridges, you are required to remove all fill material to an upland, non-wetland site, and to remove all pilings to at least one foot below streambed elevations. You are also required to seed all disturbed areas with native grasses and to implement appropriate measures to insure that sediments are not introduced into waters of the United States during your project.

You are advised that this determination for your project is valid for five years from the date of this letter. If the project is not completed within this five-year period or your project plans change, you should contact our office for another determination.

Although a DA Section 404 permits is not required for the project as proposed, you must still acquire other applicable Federal, state, and local permits.

Should you have any questions, please contact our Regulatory Branch by letter, or telephone me at 309/794-5367.

Sincerely,

A handwritten signature in black ink, reading "Michael D. Hayes".

Michael D. Hayes  
Project Manager  
Enforcement Section

Copy Furnished: (w/o enclosures)

Mr. Kelly Stone (2)  
Iowa Department of Natural Resources  
Flood Plain Section  
Henry A. Wallace Building  
900 East Grand Avenue  
Des Moines, Iowa 50319-0034

33

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IN REPLY REFER TO:

United States Department of the Interior

ATTACHMENT 3

FISH AND WILDLIFE SERVICE  
Bishop Henry Whipple Federal Building  
1 Federal Drive  
Fort Snelling, MN 55111-4056

**RECEIVED**  
MAY 18 2003  
LAW DEPARTMENT  
UNION PACIFIC RR CO.

FWS/NWRS-RE - General

May 8, 2003

Mr. Mack H. Shumate, Jr.  
Union Pacific Railroad  
Law Department  
101 North Wacker Drive  
Suite 1920  
Chicago, Illinois 60606

Dear Mr. Shumate:

Thank you for the opportunity to comment on the proposed abandonment of the rail line from M.P. 179.80 near Chapin to M.P. 173.90 near Sheffield, in Franklin County, Iowa; STB Docket No. AB-33 (Sub-No. 202X).

We have researched our ownership in the vicinity and have determined we do not own any lands or interests in land in the vicinity of the proposed rail line abandonment. We do not have any concerns regarding real estate matters in the abandonment.

Sincerely,

Patrick G. Carroll  
Senior Realty Officer  
Division of Realty



Post Office Box 131 Center Point, Iowa 52213-0131 319-849-1846  
Tom F. Neenan, Executive Director

March 28, 2003

Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 "K" Street  
Washington, D. C., 20423

Re. AB33 (Sub No. 202X)

Dear Secretary Williams:

**PETITION.** Please let this serve as our petition for the issuance of a Certificate or Notice of Interim Trail Use and the placement of a Public Use Condition on the above proposed abandonment by the Union Pacific Railroad Company of their right-of-way known as the Sheffield Industrial Lead from Milepost 179.80 near Chapin to Milepost 173.90 near Sheffield, a distance of 5.65 miles in Franklin County, Iowa.

**NEED FOR PRESERVATION.** We have taken no position as to whether this proposed abandonment should be approved or rejected by the Surface Transportation Board. We believe that there is a serious need for preservation of this soon to be abandoned railroad right-of-way for possible reactivation of rail service with interim use as a trail to help preserve the land in proper condition for that reactivation of rail service. There is a definite need for energy efficient transportation in this area of Iowa and preserving this right-of-way as a trail would serve that additional purpose.

**OTHER FACTORS.** In addition, preservation of this right-of-way would serve to provide an opportunity for installation of utility lines, both overhead and underground. Use of this corridor for those purposes would be preferred to taking agricultural land from production of food for this purpose.

**INTERIM TRAIL USE.** We request that, if abandonment of this line is to be approved by the Board, that a Notice of Interim Trail Use and a Public Use Condition be placed upon this abandonment, in order to make the right-of-way available for possible reactivation of rail service in the future.

**PUBLIC USE CONDITION.** A Public Use Condition needs to be placed upon this abandonment because of the serious lack of the availability of such land for public use in Iowa, a State which ranks next to the bottom in land held for public use. This particular abandonment, when converted to a public trail, would also serve the purpose of joining together other such trails so as to make it attractive as an economic asset to the area. Acquisition of this corridor ties in with stated prepared plans for trail development statewide. It will further enhance the preservation of wildlife which has been vastly depleted in Iowa in the last century.

**Board of Directors:**

Joy Adams, Monticello  
Penny Bates, Cedar Rapids  
Don Benson, Clive  
Kate Castek, Chicago  
Eldon Colton, Hiawatha  
Terry Dahms, Iowa City  
Dennis Eldred, Urbana  
Jon Fagre, Ames  
Dan Gebben, Waterloo  
Stephen Garst, Coon Rapids  
Samuel Gooden, Dike  
Howard Hammond, Slater  
Diane Handler, Cedar Rapids  
Lynn Hudock, Cedar Rapids  
Robert LeGrange, Vinton  
David Lyon, Mt. Vernon  
Tom Neenan, Center Point  
Maureen Neenan, Center Point  
Chuck Offenberg, Storm Lake  
James Raths, Waverly  
John Rice, Bettendorf  
Dwight Saunders, Des Moines  
Alice Schuler, Des Moines  
Dick Steffen, Iowa City  
Jerry Tappert, Waterloo  
Donald Thomas, Cedar Rapids  
Gregory Winkle, Des Moines  
Madel Wilson, Des Moines  
Rich Zeis, Walker

**\*Executive Committee**

**Advisory Board:**

Dorcas Bollman, LeClaire  
Robert Chadsma, Cedar Rapids  
Douglas Cheever, Dubuque  
Lavona Colton, Hiawatha  
John Combedick, Marion  
Clive Cook, Marion  
Kathy Cuddeback, Brighton  
Marvin Diemer, Waterloo  
Roy Ewen, Cedar Rapids  
Richard George, Mt. Vernon  
E. Rene Halanson, Boone  
William Hansen, Dyers  
Mary Lou Hattery, Cedar Rapids  
Lawrence Krasin, North Liberty  
Jeff Logsdon, Perry  
Teresa Loving, Humboldt  
Marilyn Magid, Cedar Rapids  
David Olson, Carroll  
David Osterberg, Mt. Vernon  
Rick Young, Waterloo  
Hank Zaleski, Nevada  
Frank Ziegler, Humboldt

**Executive Director**  
Tom Neenan, Center Point

NEGOTIATION TIME PERIOD REQUIRED. Our experience in dealing with such acquisitions over the past twenty years leads us to believe that we will need a minimum of 180 days in which to negotiate with the railroad for acquisition of this land for the purpose of creating a public trail. We request that the Board specify at least this amount of time for this purpose. During this time we request that no bridges, trestles, culverts, ballast and other such items be removed, these items being important to the purpose for which we seek this corridor.

WILLINGNESS TO ASSUME. The Iowa Trails Council, representing the interests of the Franklin County Conservation Board, as shown by the accompanying letter, together with that board, is willing to assume full responsibility for the management of the land, for any legal liability arising out of the transfer or use of this land (unless the user is immune from liability) and for the payment of any and all taxes that may be levied or assessed against this land following transfer of title.

CONTINUING TO MEET RESPONSIBILITIES. The Council acknowledges, as well, for itself and for the board, that it is understood that the use of this right-of-way as a trail is contingent upon the Council and the Conservation Board continuing to meet the financial responsibilities described above.

POTENTIAL REACTIVATION OF RAIL SERVICE. It is also agreed that the use of this right of-way as a trail will be terminated if there is a need in the future, for reactivation of rail service, as provided by U. S. C. 1247 and CFR 1159.28. Section 8 (d) of the National Trails System Act Amendment of 1983.

ENCLOSURES. We are attaching ten copies of a map depicting the area where the proposed abandonment lies and are providing ten copies of this application. We are, as well, sending copies of this application to the Legal Offices of the Union Pacific Railroad Company at 101 North Wacker Drive in Chicago, Illinois, 60606, as well as the company's real estate office at 1800 Farnam St in Omaha, NE., 68102.

We look forward to your favorable reply in the near future.

Sincerely,



Tom Neenan  
Executive Director